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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,617

Applicant(s)

WATANABE, KOUJI

Examiner

Wen-Tai Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7-32, 34 and 36-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-32, 34 and 36-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-3, 5, 7-32, 34, and 36-48 are presented for examination.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 103

3. Claims 1-3, 5, 7-32, 34 and 36-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota et al (hereafter "Yokota") [U.S. Pat. No. 6282330] in view of Sheridan [U.S. Pat. No. 5760917].
4. Both Yokota and Sheridan were cited in the previous office action.
5. As to claims 1-3, 5 and 7-10, Yokota teaches the invention substantially as claimed including: a method for contents data processing service, comprising the steps of:

processing said transferred contents data in said processing apparatus of the order receiver [Abstract];

transferring processed contents data from said processing apparatus of the order receiver to said terminal of the orderer via said communication line or storing and managing said processed contents data in a storage area of a data managing unit [1520, Fig.3] that is accessible from at least one of said terminal of the orderer and a terminal of a third party via said communication line, or both of said transferring of said processed contents data and said storing and managing of said processed contents data [e.g., Abstract; col.5, lines 9-27; col.6, lines 21 – 27; col.7, line 28 – col.8, line 67],

wherein said contents data is digital image data, said processing performed in said processing apparatus of the order receiver is image processing, and said processed contents data is digital image data that has been subjected to image processing; and wherein said image processing is high definition image processing including red-eye processing [col.4, lines 28-36].

Yokota teaches that the contents data is transferred from inputted devices [e.g., 1, 5000, Fig.1] that are connected to the server and transfer the processed image back for printing at a local printer. Yokota does not specifically teach said contents data is transferred to and from a terminal of the orderer via a communication line, which can be via Internet.

However, in the same field of endeavor, Sheridan teaches that digital image data may be acquired from apparatuses such as digital camera or image scanner and uploaded to a server via the Internet [e.g., Sheridan: Figs.3-4; col.9, lines 24-30 and 58-67; col.1 47-50; col.11, lines 23-49].

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an option of upload image data directly from the orderer because by doing so Yokota's service can be easily extended to digital camera users, in particular when faster transmission lines are available to them.

6. As to claim 11, since the features of this claim can also be found in claims 1, 4 and 8, it is rejected for the same reasons set forth in the rejection of claims 1, 4 and 8 above.

7. As to claim 13, Sheridan further teaches that said edit processing information includes at least one of character composition processing, certificate photograph processing, calendar processing, album processing, post card processing, business card processing, ticket processing, menu processing, template composition processing, mini-frame processing, card print processing and free trimming processing [col.11, lines 29-49].

8. As to claim 21, Sheridan further teaches that said processing apparatus of the order receiver manages said orderer by an URL or an ID card [col.5, lines 20-35; col.6, line 64 – col.7, line 24].

9. As to claim 22, Yokota does not specifically teach determining a fee for a processing service according to used processing items and a data amount of said

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contents data and determines a fee for storing said processed contents data according to a period using a server for storing and managing said processed contents data and an area of use of the server, and said order receiver is billed these fees added to a fee for using said communication line from a connection service company of said communication line.

However, as photographic processing service system, it is well known that commercial business activities as described in Yokota's system could involve fees for various services. In particular conventional film processing companies charge service based on the number of pictures being processed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that Yokota's system would include fees for the image handling services because Yokota's business model is only a variation of the conventional film processing companies; the nature of profit-oriented service is not altered by going online.

10. As to claims 12, 14-20, 23-32, 34 and 36-48, since the features of these claims can also be found in claims 1-3, 5, 7-8, 11, 13 and 21-22, they are rejected for the same reasons set forth in the rejection of claims 1-3, 5, 7-8, 11, 13 and 21-22 above.

11. Applicant's arguments with respect to claims 1-3, 5, 7-32, 34 and 37-48 on 2/3/06 have been considered but they are not deemed to be persuasive.

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Specifically, Applicant argues that: (1) Yokota's system does not store processed images for subsequent retrieval; (2) Yokota does not disclose a terminal of an orderer capable of bidirectional data transfer; and (3) the Examiner has not established motivation to combine Yokota and Sheridan.

12. The examiner respectfully disagrees with Applicant's remarks:

As to point (1): in Fig.3 and at col.5, lines 8-27 Yokota clearly indicates that a PC can be used to perform the functions of a server or a terminal, wherein (as a server) 1521, Fig.3 is labeled as "processed image data storage area".

As to point (2): According to Fig.3, the server is shown to be able to communicate with another PC (when function as a terminal) via a communication apparatus in both directions (see 1540, Fig.3).

As to point (3): Sheridan is solely relied upon for communicating original image and the processed data between the terminal of the orderer and the processing apparatus, and via Internet. It is noted that Yokota teaches (e.g., col.5, lines 6-8) that a PC may be used to perform the function of a server and a terminal, while Sheridan teaches (e.g., col.9, lines 24-30) that a user may communicate digital camera data to a processing center for further image improvement and subsequent distribution. As such, the motivation to combine the two references is obvious and self-explanatory.

For at least the above reasons, it is submitted that the prior art of record reads on the claims.

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13. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(571)273-8300 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

March 13, 2006

Wen-Tai Lin
3/13/06